



SECRETARY OF THE ARMY
WASHINGTON

14 AUG 1995



MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Waiver Authority for Army Reinvention Centers and Laboratories

When Vice President Gore established the National Performance Review with provisions for Reinvention Laboratories and Centers, his intent was to create opportunities to experiment with innovative business practices to increase the efficiency and effectiveness of the Federal government. To increase the flexibility of your Reinvention Laboratories and Centers to achieve that end, Secretary Perry, in his memorandum of 23 May 1995 (enclosed), modified the waiver authority granted to me.

To demonstrate trust and confidence in your exceptional efforts to date, I hereby redelegate to Commanders or Directors of all Army Reinvention Laboratories and Centers the authority to waive any requirement contained in a Department of Defense Directive, Instruction, or Publication delegated to me by the Secretary in his 23 May memorandum. This authority is subject to the limitations, requirements, and procedures specified in the Secretary's memorandum. Effective immediately, the following policies are in effect for all Army Laboratories and Centers. First, when a Commander or Director of an Army Lab or Center decides to waive a Department of Defense directive or instruction, that commander or director will notify the Office of the Secretary of Defense (OSD) Staff Principal of the directive or instruction waived within two working days. He will at the same time notify the OSD General Counsel and the Deputy Director of the Defense Performance Review. This notification must include an explanation of the reason for the waiver, (not to exceed two years), and a legal review by the senior legal officer of the command or agency in which the lab or center resides. Concurrently, the Laboratory or Center Commander or Director will submit a copy of the approved waiver and associated materials to the Director of Management. Waivers will go into effect automatically 30 days after the Staff Principal and the General Counsel have been notified unless specifically denied by the Secretary of Defense or Deputy Secretary of Defense.

Second, I hereby delegate to the Commanders or Directors of Army Reinvention Laboratories and Centers the authority to waive, subject to the limitations described below, any requirement contained in a Department of the Army regulation, instruction, or policy. Prior to action on such waivers, a legal review will be conducted by the senior legal officer of the Reinvention Laboratory or Center concerned. Waivers of Department of the Army requirements will be forwarded within two days of approval to the HQDA functional proponent and the Director of Management.

While the authority to waive regulations is granted to give you maximum benefits created from your new and innovative business practices, the use of it must be consistent with Army's Title X responsibilities and departmental functions. Any Army-wide policy revised as part of your reinvention or reengineering effort may have implications for the

entire Army. Therefore, you are responsible and accountable for understanding the rationale behind the policy before proceeding.

The authority delegated in this memorandum shall not be used to waive any legislative regulation or issuance, or any provision required by law. Also, it may not be used to waive those regulations, instructions and policies which address equal opportunity, equal employment opportunity or adverse action against, or rights and benefits of soldiers and employees. This authority may not be used to augment resources such as manpower, facilities, money or equipment.

From your vantage point on the cutting edge of innovative business practices and operations, it is important that you provide timely lessons learned that can be benchmarked by the rest of the Army and the federal government. For this reason, I am asking that whenever you experience a significant organizational impact (positive or negative) as a function of waiver implementation actions, that you notify the Director of Management so this information can be shared. I also request you provide a comprehensive list of waivers implemented and their impact on the organization in an annual update to the Director of Management.

My message of 092001Z August 94, Subject: Delegation of Waiver Authority, remains in effect for all non-reinvention laboratory waivers.